

**UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

In re: Richard E Haugh, Sr and Cherie Ann
Haugh

Debtor

Bayview Loan Servicing, LLC, or its
Successor or Assignee

Movant

vs.

Richard E Haugh, Sr and Cherie Ann Haugh
Charles J DeHart III

Respondent

Chapter 13

Bankruptcy No. 16-00982-RNO

OBJECTION TO PLAN

Bayview Loan Servicing, LLC ("Creditor") is a secured creditor of the above Debtors and by its counsel hereby objects to the Debtors' Chapter 13 Plan ("Plan") as follows:

1. Creditor is in the process of filing a Proof of Claim with respect to its secured interest in real property of the Debtors or of the estate which is commonly known as and located at 88 Dickinson Drive, Hanover, Pennsylvania 17331 ("Property"); such Proof of Claim will indicate a principal balance in the amount of \$167,664.34, and an estimated arrearage claim in the amount of \$4,110.20. The claims bar date is set for July 27, 2016.

2. The Plan proposes to pay \$3,000.00 towards Creditor's arrearage claim; accordingly, the Plan does not provide for the full value of Creditor's claim. A copy of the Debtor's Chapter 13 Plan is attached hereto as Exhibit A.

3. The Property is the primary residence of the Debtors.

4. The provisions of 11 U.S.C. § 1322(b)(2) prohibit debtors from modifying, through the Plan, the rights of secured creditors holding an interest in real property secured only

by a Debtors' principal residence. To the extent the Plan attempts to do so, it cannot be confirmed.

5. The Plan violates the provisions of 11 U.S.C. § 1325(a)(3) and 11 U.S.C. § 1325(a)(5)(B)(ii) to the extent that it fails to provide Creditor with the full value of its claim.

WHEREFORE, for the foregoing reasons, Bayview Loan Servicing, LLC requests that an Order be entered denying confirmation of the Chapter 13 Plan and for such other and further relief as is just.

/s/ Celine P. DerKrikorian
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